

EXHIBIT 3

Bryson, Santana and Joshua v. Rough Country, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

SANTANA BRYSON and JOSHUA)
BRYSON, as adminsitrators of)
the Estate of C.Z.B. and as)
surviving parents of C.Z.B., a)
deceased minor.,)
PLAINTIFF,)
VS.) CASE NO.: 2:22=CV=017-RWS
ROUGH COUNTRY LLC,)
DEFENDANT.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
FRIDAY, MAY 5, 2024

APPEARANCES:

FOR THE PLAINTIFF:

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(Appearances continued next page.)

REPORTED BY: JUSTUS BALENTINE, CSR 13859

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1 looking at me right now, so for what that's worth.

2 THE WITNESS: I am now, yes.

3 MS. CANNELLA: Okay. Great.

4 BY MS. CANNELLA:

5 Q. Would you consider yourself a scientist,
6 Dr. Gwin?

7 A. Yes.

8 Q. And do you experiments as part of your work?

9 A. Yes.

10 Q. What is the control in the context of an
11 experiment?

12 A. Someone who is not being subjected to whatever
13 the experiment is about. So like a drug study, the
14 control does not get drug, and the subject does get the
15 drug.

16 Q. So the control would be basically the normal
17 condition?

18 MR. HILL: Object to form.

19 THE WITNESS: Well, it's the one who's not
20 getting the experimental thing, whether it's a drug or
21 a -- whatever the thing we're testing.

22 BY MS. CANNELLA:

23 Q. And what's a variable?

24 A. Something that can change.

25 Q. And there's two kinds of variables, right,

1 independent and dependant variables?

2 A. Probably, yes.

3 Q. And independent is a variable that the
4 researcher changes?

5 A. Yes.

6 Q. And the dependant variable, are those variables
7 that change as a result of the independent variable;
8 correct?

9 A. Correct.

10 Q. Okay. Do you agree that a good experiment
11 should change just one variable?

12 A. Not always. I mean ideally, sure, but there are
13 almost never can you only do one thing.

14 Q. The gold standard would be to just change one
15 variable?

16 MR. HILL: Object to form.

17 THE WITNESS: I don't know if it's the gold
18 standard, but it would be the ideal world, Nirvana.

19 BY MS. CANNELLA:

20 Q. And if you change just one variable from the
21 control, then you can really isolate the effects of that
22 one variable; do you agree with that?

23 A. Yes. That's why it would be Nirvana or ideal.

24 Q. Okay. And do you agree that the more variables a
25 researcher changes, the more difficult it is to isolate

1 which of those variables caused the changed condition in
2 test subject?

3 A. Yes, in general.

4 Q. And can you think of a way to use a control to
5 design a set of crashes that would be able to isolate the
6 amount of crush that is due just to a lift in a crash?

7 A. Can I think of a test? Is that what the first
8 part of the question was?

9 Q. Yes. Can you think of a way to use a control to
10 design a set of crash tests that would be able to isolate
11 the amount of crush that is due just to the lift?

12 A. Yes.

13 Q. And what is that?

14 A. Well, you -- we would take a lifted truck, which
15 is what you're talking about, about a lift, a lift kit,
16 so we would take a lifted truck and do a crash, or we
17 would look at a crash with a lifted truck that already
18 happened. And then we would take a non-lifted truck,
19 sort of an OEM, or original equipment, OE truck, and do
20 essentially the same crash.

21 So with the same two vehicle, same vehicle
22 lineup, same speeds, et cetera, and then compare the two.

23 Q. Okay. And do you agree there were at least two
24 independent variables in the crash test that Exponent did
25 in this case?

1 A. Sure, yes.

2 Q. And what would those be?

3 A. Oh, my gosh. So independent variables are
4 things that we can create or we can set up, and those
5 would be things like -- this is not an exhaustive list --
6 things like both -- each vehicle's speed, angles of the
7 vehicle, offset of the vehicles, weights of the vehicles,
8 whether there's a lift kit or we're looking at OE,
9 original equipment. I'm sure I'm missing things, but
10 those are some great examples.

11 Q. And my question is about the crash test that
12 Exponent did in this case. So there were at least two
13 independent variables in the crash test that were
14 different than the control or the crash that actually
15 happened; correct? The lift was different; correct?

16 A. Right. We were testing whether OE equipment --
17 well, original equipment, i.e. no lift kit, would result
18 in similar deformation of the target vehicle.

19 Q. Right. So the lift kit was -- the height of the
20 vehicle was changed from the original crash, from the
21 subject crash; correct?

22 A. Correct.

23 Q. And then the presence of cargo was also
24 different in the Exponent test than the subject crash;
25 correct?

1 A. Yes. Because the only people who could tell us
2 exactly what cargo and where it was didn't know, so
3 that's an important part of science is not guessing. And
4 so if we were to try to put cargo in the test vehicle at
5 Exponent, then we would be guessing, and so we can't do
6 that.

7 Q. Okay. So it's important not to guess in
8 science; correct?

9 A. Right, yeah.

10 Q. And the presence of cargo and the lift are two
11 things that were different from the subject crash and
12 Exponent crash; correct?

13 A. Yes.

14 Q. And then there was also a difference in whether
15 there was a car seat in the Exponent test; correct?

16 A. Correct. A child safety seat, I would call it,
17 but yes.

18 Q. And then there was a difference in whether there
19 were actually dummies placed in the Exponent test;
20 correct?

21 A. Correct. And that would be different than the
22 subject crash anyway because we wouldn't have live humans
23 in this crash test. So you're right, though, there were
24 no dummies.

25 Q. Could you do a test where you put -- strike

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ALAMEDA)
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6 I, JUSTUS BALENTINE, Certified Shorthand
7 Reporter No. 13859, hereby certify that the foregoing
8 proceeding was taken by me at the time and place herein
9 set forth;

10 That the said proceeding was taken down by me
11 in shorthand and thereafter transcribed under my
12 direction and supervision, and I hereby certify the
13 foregoing proceeding is a full, true, and correct
14 transcript of my shorthand notes so taken;

15 That dismantling this transcript will void the
16 certification by the Certified Shorthand Reporter.

17 I further certify that I am neither counsel for
18 nor am I in any way related to any party to said action,
19 nor am I in any way interested in the outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 17th day of June, 2024.

22
23 
24

25 JUSTUS BALENTINE, CSR NO. 13859